

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOE SMITH,

Plaintiff,

v.

JANE DOE, et al.,

Defendants.

Case No. 3:xx-cv-xxxxx-HZ

COURT TRIAL MANAGEMENT ORDER

- 1) The Pretrial Conference is set on _____ in Courtroom 14B.
- 2) The Court Trial is set to begin on _____ in Courtroom 14B.

NOTE: Pursuant to Local Rule 100, all documents (except exhibits and deposition designations) shall be uploaded to the court's CM-ECF system. The uploaded document is considered the original. One judge's copy of all trial documents shall be provided to the court and a copy served on all parties in the manner specified within this order.

FIRST WAVE OF DOCUMENTS DUE (28 Days before Pretrial):

- 1) Exhibits and Exhibit Lists:

Judge's copy of exhibits shall be submitted with the exhibit lists. Copies of the exhibits along with the exhibit list shall also be provided to opposing counsel. (Original exhibits themselves (including original impeachment exhibits¹) are NOT filed with the court prior to trial, but must be brought to the pretrial conference.²)

Plaintiff's exhibits shall be numbered on yellow exhibit stickers starting with "1". Defendant's exhibits shall be numbered on blue exhibit stickers starting with "501". The case

¹ See Second Wave #6 for submission of judge's copy of impeachment exhibits

² Exhibits are also to be submitted in electronic format on DVD or thumb drive. Separate order to follow with instructions.

number shall be printed on each exhibit sticker. The original and judge's copy of exhibits shall be placed into three-hole binders with clearly marked index tabs numbered for each exhibit.

Exhibit lists shall contain three columns to the right of the exhibit description labeled: "Marked," "Offered," and "Received," in that order. Exhibit lists containing proposed supplemental exhibits must be captioned as "First (Second...) Amended Exhibit List" and must list the proposed exhibits as well as all previous exhibits.

Impeachment exhibits shall be identified on the exhibit list simply as "Impeachment Exhibit".

2) Lay Witness Statements and Expert Narratives: List all lay witnesses to be called. Include the name and occupation, the estimated length of direct examination, and the complete **substance** of the testimony. Do not say, "*The witness will testify about the accident.*" Say, "*The witness will testify that the defendant ran the red light and was going an estimated 30 miles per hour.*"

Submit a written narrative/report for each expert setting forth their qualifications, the substance of opinions to be expressed in detail, and the facts and data upon which the opinions are based.

3) Itemized List of Economic Damages: Specify damages sought and how such damages will be proven -- i.e., through which exhibits and/or witness testimony.

4) Deposition Designations: Depositions offered in lieu of live testimony must be submitted to the court with the portions sought to be admitted highlighted on both the original and judge's copies. If more than one party wishes to use the same deposition in lieu of live testimony, a single deposition shall be submitted jointly with each party designating on the single copy, using different colored highlighting, the portions of the depositions it intends to use.

5) Trial Memoranda: Provide a brief summary of all material, factual and legal contentions along with the elements of each claim and/or defense. Trial memoranda are limited to 25 pages without leave of court.

SECOND WAVE OF DOCUMENTS DUE (21 Days before Pretrial):

1) Motions In Limine: All motions in limine shall be filed as sub-parts within a single document not to exceed 25 pages without leave of court. Responses to motions in limine shall not exceed 25 pages without leave of court.

2) Objections to Witnesses or Exhibits: Objections to witnesses and/or exhibits, and the responses thereto, shall specify the witnesses or exhibits at issue and be grouped by type of legal or factual objection. Please explain the basis of each objection (see attached example #2 for format.)

3) Impeachment Witnesses or Exhibits: Names and statements of impeachment witnesses, and/or copies of impeachment exhibits shall be sealed and delivered to the court.

THIRD WAVE OF DOCUMENTS DUE (14 Days before Pretrial):

1) All rebuttal witness statements and exhibits.

2) Responses to (a) motions in limine, (b) objections to exhibits, and (c) objections to witnesses.

3) Plaintiff and defendant shall separately submit a one-page listing of **all** potential witnesses.

4) Proposed Findings of Fact and Conclusions of Law: The parties shall submit a hard copy of this document and shall submit it on CD-rom, or emailed to the courtroom deputy, in Word or WordPerfect format.

FINAL SUBMISSION DUE (Thursday before Pretrial) BY 2:00 P.M.:

Joint submission of ruling charts:

(a) Attorneys to prepare and submit to the court an agreed upon chart of all motions in limine which the court is to consider (see attached example #3 for format).

(b) Attorneys to prepare and submit to the court an agreed-upon chart of all witness and exhibit objections which the court is to consider (see attached example #4 for format).

PRETRIAL CONFERENCE:

During the pretrial conference, be prepared to discuss the following:

- a) Exhibit and witness objections;
- b) What, if any, technological aids will be used to display exhibits to the jury;
- c) Deposition testimony objections;
- d) Motions in limine; and,
- e) Settlement and/or mediation efforts.

No exhibits or testimony will be received into evidence at trial, nor will any amended pleadings or supplemental jury instructions be accepted unless presented in accordance with this order. Late submissions will not be accepted absent a strong showing of good cause balanced against any prejudice to the opposing party.

IT IS SO ORDERED.

Dated this ____ day of _____, 2013.

MARCO A. HERNANDEZ
United States District Court Judge